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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

In re:

TULARE LOCAL HEALTHCARE DISTRICT
dba TULARE REGIONAL MEDICAL CENTER,

Debtor.

HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC,

Plaintiff,

v.

TULARE LOCAL HEALTHCARE DISTRICT
dba TULARE REGIONAL MEDICAL CENTER,
and DOES 1 through 20,

Defendant.

AND RELATED COUNTER-CLAIM

Case No.: 17-13797-9-B

Chapter 9

ADV. PROC. NO.: 17-01095-B

DC No.: OHS-1

**HEALTHCARE CONGLOMERATE
ASSOCIATES, LLC’S MOTION FOR
REMAND OF LAWSUIT TO STATE
COURT PURSUANT TO 28 U.S.C.
§ 1452(b)**

Date: February 28, 2018
Time: 1:30 p.m.
Dept: Courtroom 13
Judge: Hon. René Lastreto II

1 **PLEASE TAKE NOTICE THAT** on February 28, 2018, at 1:30 p.m., or as soon
2 thereafter as the matter may be heard, before the Honorable René Lastreto II of the above-entitled
3 Court located at 2500 Tulare Street, Fresno, California 93721, HealthCare Conglomerate
4 Associates, Inc., plaintiff in a lawsuit filed in Los Angeles Superior Court that was improperly
5 removed to this Court, will and hereby does move the Court pursuant to 28 U.S.C. § 1452(b) for
6 an order remanding this action back to the Los Angeles Superior Court on the grounds that
7 removal to this judicial district is not authorized under 28 U.S.C. § 1452(a) because this is not the
8 federal judicial district in which the state court action was pending and upon the further ground
9 that the removal violates the parties' contractual choice of forum and, alternatively, that the
10 lawsuit should be remanded on equitable grounds.

11 The Motion is based upon this Motion, the memorandum of points and authorities in
12 support hereof and filed herewith, all papers and pleadings on file in this case and this adversary
13 proceeding, and upon such other evidence and argument as the Court may consider at or before
14 the hearing on this Motion.

15 Dated: January 24, 2018

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20 By /s/ Marc A. Levinson
21 Marc A. Levinson
22 Attorneys for Plaintiff
23 HealthCare Conglomerate Associates, LLC
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